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KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS, CA 91367

EXAMINER

ROSEN, NICHOLAS D

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,620

Applicant(s)

ANDERSON, KARYN ELAINE

Examiner

Nicholas D. Rosen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,13-16,18-24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,13-16,18-24,26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1, 3-8, 13-16, 18-24, 26, and 27 have been examined.

Art Cited in Support of Official Notice

Applicant has not expressly and in proper format traversed Examiner's takings of official notice. However, some of Applicant's remarks can reasonably be construed as traversing Examiner's takings of official notice; therefore Examiner has cited prior art supporting the facts of which official notice was taken. Specifically:

In rejecting claim 5, Examiner took official notice that it is well known to provide information by telephone (e.g., in voice mail systems). This is supported by Murveit et al. (U.S. Patent 6,570,964), Abstract; column 1, line 66, through column 3, line 62.

In rejecting claim 6, and also claim 19, Examiner took official notice that it is well known to input information, especially numerical information, via keystrokes of a keypad of a telephone when prompted. This is supported by Ladd (U.S. Patent 6,097,791), column 2, lines 37-55).

In rejecting claim 7, and also claim 20, Examiner took official notice that it is well known to provide information by voice, to be interpreted by voice recognition software. This is supported by Murveit et al. (U.S. Patent 6,570,964), Abstract; column 1, line 66, through column 3, line 62.

In rejecting claim 8, and also claim 24, Examiner took official notice that it is well known to enter information into a designated field of a web-site. This is supported by Wyard et al. (U.S. Patent 6,167,398), column 6, lines 22-31. This is also supported by

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Teare et al. (U.S. Patent 6,151,624), column 11, line 66, through column 12, line 11; column 13, lines 36-45.

In rejecting claim 10, and also claims 21 and 27, Examiner took official notice that it is well known to search databases. This is supported by Walker et al. (U.S. Patent 6,163,771), column 12, lines 20-39. This is also supported by Reiter (U.S. Patent 6,178,411), column 19, lines 14-35).

In rejecting claim 11, and also claim 16, Examiner took official notice that it is well known to transmit approval to sellers (e.g., when a purchase is attempted with a debit card). This is supported by the anonymous article, "New Fujitsu TeamPad 500 Adds Color, Integrated Printer/Reader for Powerful, Lightweight Route Management Capacities," especially the paragraph beginning "In Japan, where wireless WAN technology." This is also supported by the anonymous article, "Debit Cards Hold Advantages for Supermarkets," especially the two paragraphs beginning from "A merchant that chooses." This is also supported by the brief article, "Solutran Offers E-Commerce Payment Alternative," (entire brief article).

In rejecting claim 12, and also claims 16 and 24, Examiner took official notice that it is well known to transmit denial to sellers (e.g., when a purchase is attempted with a debit card). This is supported by the art cited above with regard to paragraph 11, and further by Gage, "Retail POS Debits Finally Take off," especially the paragraph beginning, "Treasury managers see," and also by the anonymous article "Credit Cards Can Buy Groceries," especially the paragraph beginning, "As with any retail electronic payment."

In rejecting claim 13, and also claims 16 and 24, Examiner took official notice that it is well known to credit sellers with a purchase price when debiting an account or payment card of a buyer. This is supported by Hills et al. (U.S. Patent 6,164,528), Abstract; column 11, line 63, through column 12, line 5. This is further supported by Boesch et al. (U.S. Patent 6,205,433), column 10, lines 27-50.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, and 13-15

Claims 1, 3, 5, 6, 7, 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski ("New Wave of E-Money Options Hits the Web") in view of the anonymous article, "RealStores.com Now Accepting InternetCash for E-Commerce Transactions," hereinafter "RealStores.com," the anonymous article "Internet's First Pre-Paid Shopping Card Launched," hereinafter "Internet's First," and official notice. As per claim 1, Bielski discloses a method for making purchase transactions over the world wide web, comprising the steps of: purchasing a card having a unique identification code and a predetermined cash balance; and activating an account associated with the card by providing the identification code and not any personally identifying information to a card service system (two paragraphs beginning from, "Working altogether

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differently in the market"). Bielski is not entirely explicit about selecting one or more goods or services offered by a seller through a web-site, but "RealStores.com," describing the same InternetCash system as Bielski, teaches shopping at a portal for 750 merchants selling arts, collectibles, food, fashion, etc., which implies selecting one or more goods or services offered by a seller through a web-site. Bielski does not disclose providing the identification code of the card to the seller who then transmits the identification code to the card service, but "Internet's First" teaches doing this (paragraph beginning, "Teens activate their Cybermoola cards"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide the identification code of the card to the seller who would then transmit the identification code to the card service, for the stated advantage of verifying the availability of sufficient funds in the account, and the implied advantages of enabling merchants to be paid and users to be charged.

Bielski does not explicitly disclose debiting the purchase price of the selected goods or services from the cash balance of the account, but this is implicit, since routinely not debiting the prices of purchases, and thus letting users respend the same funds, would be a quick road to bankruptcy.

Bielski does not expressly disclose verification by the card service system, but "Internet's First" teaches verification by the card service system, including determining if there are sufficient funds in the account to purchase desired goods or services (paragraph beginning, "Teens activate their Cybermoola cards"). "Internet's First" does not expressly disclose determining whether the identification code is associated with a

valid and active account, but this is held to be inherent, because if the identification code is not associated with a valid and active account, availability of funds cannot be verified. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for verification by the card service system to include the steps of determining whether the identification code is associated with a valid and active account and if there is sufficient cash balance in the account to purchase selected goods or services, for the obvious advantage of authorizing or preventing payment, as appropriate.

"Internet's First" does not expressly disclose searching a database of activated accounts, but official notice is taken that it is well known to search databases, and given a plurality of activated accounts, finding information for one account implies searching a database of some type. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to search a database of activated accounts, for the obvious advantage of finding data regarding the balance of the account in question.

Neither Bielski or "Internet's First" expressly discloses transmitting an approval code to the seller if the identification code is valid and a sufficient cash balance is available in the associated account to purchase the selected goods or services, or transmitting a denial code to the seller if the identification code is determined invalid or there is insufficient cash balance in the associated account to purchase the selected goods or services, but official notice is taken that it is well known to transmit approval and denial to sellers under comparable circumstances (e.g., when a purchase is

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attempted with a debit card). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to transmit an approval code as recited, for the obvious advantage of assuring the seller that he will be paid, and thus enabling the transaction to take place, or else to transmit a denial code as recited for the obvious advantage of warning the seller of nonpayment, and therefore avoiding the unwillingness to accept cards which would result if invalid cards could not be distinguished from valid ones.

As per claim 3, Bielski further discloses the step of removing an obstruction covering the identification code after purchasing the card (two paragraphs beginning from, "Working altogether differently in the market").

As per claim 5, Bielski does not disclose that the activating step includes calling the card service system by telephone and providing the identification code, but official notice is taken that it is well known to provide information by telephone (e.g., in voice mail systems), and further that it is well known to input information, especially numerical information, via keystrokes of a keypad of a telephone when prompted (as per claim 6), and to provide information by voice, to be interpreted by voice recognition software (as per claim 7). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the activating step include calling the card service system by telephone and providing the identification code, whether by keypad or voice, for the obvious advantage of enabling users to activate their cards without having to log on to the Web.

• As per claim 8, Bielski does not disclose that the activating step includes entering the identification code into a designated field of a card service system web-site, but official notice is taken that it is well known to enter information into a designated field of a web-site. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the activating step include entering the identification code into a designated field of a card service system web-site, for the obvious advantage of arranging for the identification code to be inputted by the standard means, in a way that enables a server to accept it and know what item of data it is.

As per claim 13, Bielski does not expressly disclose the step of crediting the seller the value of the purchase price of the selected goods or services when debiting the cash balance of the card account, but official notice is taken that it is well known to credit sellers with the value of a purchase price when debiting an account or payment card of a buyer. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to credit the seller the value of the purchase price, for the obvious advantage of making the card acceptable to sellers, and avoiding prosecution for fraud in cheating sellers.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski, "RealStores.com," "Internet's First," and official notice as applied to claim 3 above, and further in view of Odiwo (U.S. Patent Application Publication 2002/0095371). Bielski discloses using scratch-off ink rather than a peel-away strip, but Odiwo teaches removing a peel-away strip covering an identification code on a prepaid cash card

(paragraph 17). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to removing the peel-away strip covering an identification code, for the obvious advantage of sparing users the trouble of scratching off ink.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski, "RealStores.com," "Internet's First," and official notice, as applied to claim 1 above, and further in view of Redman ("Interface Enables Phone Downloads"). Bielski does not disclose the cardholder determining current card account balance by contacting the card service system, but it is well known for cardholders to determine current balances by contacting the appropriate card service system, as taught by Redman (paragraph beginning "Through VocalPoint," the disclosure of balance inquiries implying determinations). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a cardholder to determine current card account balance by contacting the card service system, for the obvious advantage of enabling the cardholder to know how much he has left to spend, whether questionable transactions went through, etc.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski, "RealStores.com," "Internet's First," official notice, and Redman, as applied to claim 14 above, and further in view of the anonymous article, "Three for All." Redman teaches transferring funds between accounts (paragraph beginning "Through VocalPoint"), but does not specify whether these are different card accounts of the same cardholder, or whether funds are transferred from one person to another. However, "Three for All"

teaches transferring value among stored-value cards, enabling a cardholder to transfer a minimal cash balance (or any other cash balance) between different card accounts of his, making it obvious for one of ordinary skill in the art at the time of applicant's invention to do so, for the obvious advantage of putting funds where they are most useful, which could arise by zeroing a minimal balance in a first account, and making a second account large enough to cover a desired product or service, or maintaining useful amounts in both of accounts dedicated to different purposes, etc.

Claims 16 and 18-23

Claims 16, 19, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski ("New Wave of E-Money Options Hits the Web") in view of the anonymous article, "RealStores.com Now Accepting InternetCash for E-Commerce Transactions," hereinafter "RealStores.com," the anonymous article "Internet's First Pre-Paid Shopping Card Launched," hereinafter "Internet's First," and official notice. As per claim 16, Bielski discloses a method for making purchase transactions over the world wide web, comprising the steps of: purchasing a card having a unique identification code and a predetermined cash balance; removing an obstruction covering the identification code after purchasing the card; and activating an account associated with the card by providing the identification code and not any personally identifying information to a card service system (two paragraphs beginning from, "Working altogether differently in the market"). Bielski is not entirely explicit about selecting one or more goods or services offered by a seller through a web-site, but "RealStores.com," describing the same InternetCash system as Bielski, teaches shopping at a portal for

750 merchants selling arts, collectibles, food, fashion, etc., which implies selecting one or more goods or services offered by a seller through a web-site. Bielski does not disclose providing the identification code of the card to the seller who then transmits the identification code to the card service, but "Internet's First" teaches doing this (paragraph beginning, "Teens activate their Cybermoola cards"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide the identification code of the card to the seller who would then transmit the identification code to the card service, for the stated advantage of verifying the availability of sufficient funds in the account, and the implied advantages of enabling merchants to be paid and users to be charged.

"Internet's First" further teaches verification by the card service system, including determining if there are sufficient funds in the account to purchase desired goods or services (paragraph beginning, "Teens activate their Cybermoola cards"). "Internet's First" does not expressly disclose determining whether the identification code is associated with a valid and active account, but this is held to be inherent, because if the identification code is not associated with a valid and active account, availability of funds cannot be verified. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to determine whether the identification code is associated with a valid and active account and if there is a sufficient cash balance in the account to purchase selected goods or services, for the obvious advantage of authorizing or preventing payment, as appropriate.

Neither Bielski nor "Internet's First" expressly discloses transmitting an approval code to the seller if the identification code is valid and a sufficient cash balance is available, but official notice is taken that it is well known to transmit approval to sellers under comparable circumstances (e.g., when a purchase is attempted with a debit card). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to transmit an approval code as recited, for the obvious advantage of assuring the seller that he will be paid, and thus enabling the transaction to take place.

Neither Bielski nor "Internet's First" expressly discloses transmitting a denial code to the seller if the identification code is invalid or there is insufficient cash balance in the associated account to purchase the selected goods or services, but official notice is taken that it is well known to transmit denial to sellers under comparable circumstances (e.g., when a purchase is attempted with a debit card). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to transmit a denial code as recited, for the obvious advantage of warning the seller of nonpayment, and therefore avoiding the unwillingness to accept cards which would result if invalid cards could not be distinguished from valid ones.

Bielski does not explicitly disclose debiting the purchase price of the selected goods or services from the cash balance of the account, but this is implicit, since routinely not debiting the prices of purchases, and thus letting users respend the same funds, would be a quick road to bankruptcy. Neither Bielski nor "Internet's First" expressly discloses crediting the seller with the value of the purchase price of the

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selected goods or services, but official notice is taken that it is well known to credit sellers with the value of a purchase price when debiting an account or payment card of a buyer. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to credit the seller the value of the purchase price, for the obvious advantage of making the card acceptable to sellers, and avoiding prosecution for fraud in cheating sellers.

As per claim 19, claim 19 is parallel to claim 6, and rejected on essentially the same grounds.

As per claim 20, claim 20 is parallel to claim 7, and rejected on essentially the same grounds.

As per claim 21, "Internet's First" does not expressly disclose searching a database of activated accounts, but official notice is taken that it is well known to search databases, and given a plurality of activated accounts, finding information for one account implies searching a database of some type. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to search a database of activated accounts, for the obvious advantage of finding data regarding the balance of the account in question.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski, "RealStores.com," and "Internet's First," and official notice as applied to claim 16 above, and further in view of Odiwo (U.S. Patent Application Publication 2002/0095371). Bielski discloses using scratch-off ink rather than a peel-away strip, but Odiwo teaches removing a peel-away strip covering an identification code on a prepaid cash card

(paragraph 17). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to removing the peel-away strip covering an identification code, for the obvious advantage of sparing users the trouble of scratching off ink.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski, "RealStores.com," "Internet's First," and official notice, as applied to claim 16 above, and further in view of Redman ("Interface Enables Phone Downloads"). Claim 22 is parallel to claim 14, and rejected on essentially the same grounds.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski, "RealStores.com," "Internet's First," official notice, and Redman, as applied to claim 22 above, and further in view of the anonymous article, "Three for All." Claim 23 is parallel to claim 22, and rejected on essentially the same grounds.

Claims 24, 26, and 27

Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski ("New Wave of E-Money Options Hits the Web") in view of the anonymous article, "RealStores.com Now Accepting InternetCash for E-Commerce Transactions," hereinafter "RealStores.com," the anonymous article "Internet's First Pre-Paid Shopping Card Launched," hereinafter "Internet's First," Redman ("Interface Enables Phone Downloads"), the anonymous article "Three for All," and official notice. As per claim 24, Bielski discloses a method for making purchase transactions over the world wide web, comprising the steps of: purchasing a card having a unique identification code and a predetermined cash balance; removing an obstruction covering the identification code

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after purchasing the card; and activating an account associated with the card by providing the identification code without any personally identifying information to a card service system (two paragraphs beginning from, "Working altogether differently in the market"). Bielski is not entirely explicit about selecting one or more goods or services offered by a seller through a web-site, but "RealStores.com," describing the same InternetCash system as Bielski, teaches shopping at a portal for 750 merchants selling arts, collectibles, food, fashion, etc., which implies selecting one or more goods or services offered by a seller through a web-site. Bielski does not disclose providing the identification code of the card to the seller who then transmits the identification code to the card service, but "Internet's First" teaches doing this (paragraph beginning, "Teens activate their Cybermoola cards"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide the identification code of the card to the seller who would then transmit the identification code to the card service, for the stated advantage of verifying the availability of sufficient funds in the account, and the implied advantages of enabling merchants to be paid and users to be charged.

Neither Bielski nor "Internet's First" discloses entering the identification code into a designated field of the seller's web-site, but official notice is taken that it is well known to enter information into a designated field of a web-site. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the activating step include entering the identification code into a designated field of a card service system web-site, for the obvious advantage of

arranging for the identification code to be inputted by the standard means, in a way that enables a server to accept it and know what item of data it is.

"Internet's First" further teaches verification by the card service system, including determining if there are sufficient funds in the account to purchase desired goods or services (paragraph beginning, "Teens activate their Cybermoola cards"). "Internet's First" does not expressly disclose determining whether the identification code is associated with a valid and active account, but this is held to be inherent, because if the identification code is not associated with a valid and active account, availability of funds cannot be verified. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to determine whether the identification code is associated with a valid and active account and if there is a sufficient cash balance in the account to purchase selected goods or services, for the obvious advantage of authorizing or preventing payment, as appropriate.

Neither Bielski nor "Internet's First" expressly discloses transmitting a denial code to the seller if the identification code is invalid or there is insufficient cash balance in the associated account to purchase the selected goods or services, but official notice is taken that it is well known to transmit denial to sellers under comparable circumstances (e.g., when a purchase is attempted with a debit card). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to transmit a denial code as recited, for the obvious advantage of warning the seller of nonpayment, and therefore avoiding the unwillingness to accept cards which would result if invalid cards could not be distinguished from valid ones.

Bielski does not explicitly disclose debiting the purchase price of the selected goods or services from the cash balance of the account, but this is implicit, since routinely not debiting the prices of purchases, and thus letting users respend the same funds, would be a quick road to bankruptcy. Neither Bielski nor "Internet's First" expressly discloses crediting the seller with the value of the purchase price of the selected goods or services, but official notice is taken that it is well known to credit sellers with the value of a purchase price when debiting an account or payment card of a buyer. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to credit the seller the value of the purchase price, for the obvious advantage of making the card acceptable to sellers, and avoiding prosecution for fraud in cheating sellers.

Bielski does not disclose the cardholder determining current card account balance by contacting the card service system, but it is well known for cardholders to determine current balances by contacting the appropriate card service system, as taught by Redman (paragraph beginning "Through VocalPoint," the disclosure of balance inquiries implying determinations). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for a cardholder to determine current card account balance by contacting the card service system, for the obvious advantage of enabling the cardholder to know how much he has left to spend, whether questionable transactions went through, etc.

Redman teaches transferring funds between accounts (paragraph beginning "Through VocalPoint"), but does not specify whether these are different card accounts

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of the same cardholder, or whether funds are transferred from one person to another. However, "Three for All" teaches transferring value among stored-value cards, enabling a cardholder to transfer a minimal cash balance (or any other cash balance) between different card accounts of his, making it obvious for one of ordinary skill in the art at the time of applicant's invention to do so, for the obvious advantage of putting funds where they are most useful, which could arise by zeroing a minimal balance in a first account, and making a second account large enough to cover a desired product or service, or maintaining useful amounts in both of accounts dedicated to different purposes, etc.

As per claim 27, "Internet's First" does not expressly disclose searching a database of activated accounts, but official notice is taken that it is well known to search databases, and given a plurality of activated accounts, finding information for one account implies searching a database of some type. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to search a database of activated accounts, for the obvious advantage of finding data regarding the balance of the account in question.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielski, "RealStores.com," "Internet's First," Redman, "Three for All," and official notice as applied to claim 24 above, and further in view of Odiwo. Claim 26 is parallel to claim 4, and rejected on essentially the same grounds.

Response to Arguments

Applicant's arguments filed May 31, 2005, have been fully considered but they are not persuasive. Applicant argues that Bielski does not teach providing only the identification code, and no personally identifying information. Examiner replies that although Bielski discloses "creating a PIN number," this is not providing personally identifying information, because number is created for the occasion, and is not (in general) the customer's name, Social Security number, etc. Anyone with access to the Internet could create such a PIN, while revealing essentially nothing about himself.

Applicant, noting that Examiner admits that Bielski does not expressly disclose providing the information code of the card, objects to Examiner's holding of this to be obvious in view of "Internet's First," since the Cybermoola cards described in "Internet's First" are apparently not anonymous. Examiner replies that "Internet's First" was relied upon, not for complete anonymity, but for providing the identification code of the card to the seller who then transmits the identification code to the card service. Bielski does not quite disclose this, since the card number is selected from a secure window hosted by InternetCash, instead of by the seller.

Applicant argues that Examiner must have some reason for the combination other than hindsight gleaned from the invention itself, and Examiner accepts this requirement. Applicant argues that "Internet's First" is non-analogous because registering for an account is not anonymous in the "Internet's First" system, to which Examiner replies that non-identical is not the same as non-anonymous. In response to Applicant's argument that the Cybermoola system, as described in "Internet's First," is

nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Cybermoola system is clearly in the field of Applicant's endeavor, providing accounts for making purchases over the Internet, and is also reasonably pertinent to the particular problem with which the applicant was concerned. If "Internet's First" cannot therefore be combined with Bielski, it is hard to see when any secondary reference could ever be permissible.

In response to Applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation for providing the identification code of the card is provided: "for the stated advantage of verifying the availability of sufficient funds in the account, and the implied advantages of enabling merchants to be paid and users to be charged." "Internet's First," the reference relied upon, states the first motivation, and the other motivations are held to be in the knowledge generally available to one of ordinary skill in the art, it being very

well known in commerce to arrange for merchants to be paid and consumers to be charged.

Applicant speaks somewhat disparagingly of Examiner's reliance on official notice, in response to which Examiner has provided references supporting the facts of which official notice was taken. Applicant further argues that such steps as transmitting an approval code to the seller if the identification code is valid and a sufficient cash balance is available to purchase the selected goods or services were not in use with cards for making purchase transactions over the world wide web having only a unique identification code and a predetermined balance, and no personally identifying information associated therewith. Examiner replies that even if this statement is true, it is an unreasonably narrow view to insist that the steps in dispute must be taught in such a precise context to make the rejections valid. As the prior art made of record in response to Applicant's criticism of Examiner's reliance on official notice shows, such steps were known in making purchases with debit cards, which is held to be analogous art, and pertinent to the particular problem with which Applicant was concerned, that of notifying merchants whether or not an attempted purchase with a card is based on a valid account and an adequate balance.

Regarding claims 5, 6, and 7, Applicant argues that Bielski, "RealStores.com," and "Internet's First" do not disclose calling by telephone and providing the identification code by keypad or voice, but instead describe activating cards at a web-site. Examiner replies that one long-distance communication network is analogous to another, and thus use of a telephone (voice or keypad) is an obvious variation on the invention. A

motivation is supplied, "for the obvious advantage of enabling users to activate their cards without having to log on to the Web," and it may be observed that there are still substantial numbers of people who have telephones but not home computers.

Regarding claims 14, 22, and 24, Applicant argues that Bielski, "RealStores.com," and "Internet's First" do not disclose that a cardholder can determine the current card account cash balance by contacting the card service system, which is true, but examiner replies that there is analogous art for checking on the balance of a card, notably Redman, which has now been relied upon, in response to Applicant's amendments, and which is both analogous art, being concerned with stored-value cards, and pertinent to the particular problem with which Applicant was concerned.

As per claims 15, 23, and 24, Applicant argues that the "NYCE" article does not disclose transferring a minimal balance from one card account to another, to which Examiner replies that the deficiencies of the "NYCE" article in this respect are not relevant, because Examiner has responded to Applicant's amendments by relying on different art, in particular, "Three for All."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ladd et al. (U.S. Patent 6,097,791) disclose a voice-messaging system. Teare et al. (U.S. Patent 6,151,624) discloses navigating network resources based on metadata, including entering data into fields of a web site. Walker et al. (U.S. Patent 6,163,771) disclose a method and device for generating a single-use financial

account number, and in particular discloses searching a database of accounts. Hills et al. (U.S. Patent 6,164,528) disclose a check writing point of sale system, and in particular, crediting sellers with a purchase price. Wyard et al. (U.S. Patent 6,167,398) disclose an information retrieval system and method, and in particular, entering information into a designated field of a web-site. Reiter (U.S. Patent 6,178,411) discloses an interactive process for applying or printing information on letters or parcels, and in particular, searching a database to find an account. Boesch et al. (U.S. Patent 6,205,433) disclose a system and method for multi-currency transactions, and in particular, crediting sellers with a purchase price. Murveit et al. (U.S. Patent 6,570,964) disclose a technique for recognizing telephone numbers and other spoken information embedded in voice messages, and in particular, discloses the use of voice recognition software to process voice information.

Johnson (U.S. Patent Application Publication 2005/0160051) discloses a network-accessible account system.

The anonymous article, "Debit Cards Hold Advantages for Supermarkets," discloses rejecting debit cards for insufficient funds. The anonymous article, "Credit Cards Can Buy Groceries," discloses rejecting debit card transactions for insufficient funds. Gage ("Retail POS Debits Finally Take off") discloses rejecting debit cards for insufficient funds. The anonymous article "Quick Hits" discloses, inter alia, that Mondex provides for direct transfers between stored-value cards. The anonymous article, "Solutran Offers E-Commerce Payment Alternative," discloses transmitting approvals to merchants for electronic payments. The anonymous article, "New Fujitsu TeamPad 500

Adds Color, Integrated Printer/REader for Powerful, Lightweight Route Management Capabilities," discloses using WAN connectivity to facilitate debit card approval.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

July 28, 2005